

county, approved March 21, 1907, and as amended by the Regular Session of the Thirty-second Legislature, Chapter 30, approved March 7, 1911, be amended so as to exempt citizens of Washington county from road duty by payment to the county treasurer money in lieu thereof, and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,

Austin, Texas, February 14, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 201, A bill to be entitled "An Act to permit the catching of sucker, buffalo, carp and shad during the months of July, August and September in Coryell, Hamilton, Erath and Hood counties,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

TWENTY-THIRD DAY.

(Continued.)

(Tuesday, February 15, 1927.)

The House met at 10 o'clock a. m., and was called to order by Speaker Bobbitt.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time and referred to the appropriate committees as follows:

By Mr. Smith of Atascosa:

H. B. No. 550, A bill to be entitled "An Act to establish a more efficient system of public roads for Live Oak county, and to empower the commissioners court thereof to provide rules and regulations therefor; to provide for the condemnation of private property for road purposes; providing that the county commissioners of Live Oak county shall each be ex officio superintendents of their respective commissioners precincts; to create Road District No. 8 in Live Oak county; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof and authorizing the commis-

sioners court to issue and sell any of said bonds remaining unissued and unsold, and providing for their payment by the annual levy, assessment and collection of a general ad valorem tax on all taxable property in said road district; approving and validating all orders of the commissioners court of said county in respect of said district bonds and taxes, or certified copies thereof, and constituting such orders legal evidence, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Daniel and Mr. Cox:

H. B. No. 551, A bill to be entitled "An Act to create the office of State Service Officer, to be attached to the Comptroller's Department of the State of Texas; providing for his appointment; prescribing his qualifications and duties; fixing his salary; making appropriation for such, together with traveling and incidental expenses for the fiscal year ending August 31, 1927; providing all matters and things incidental to the main purpose of this act, and declaring an emergency."

Referred to Committee on Military Affairs.

By Mr. Woodall:

H. B. No. 552, A bill to be entitled "An Act amending Chapter 4, Article 489, Revised Criminal Statutes of Texas, 1925, and providing that pistols and other weapons shall not be sold, bartered, traded or leased; providing a penalty for the violation of this act, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Wallace of Smith and Mr. Smith of Smith:

H. B. No. 553, A bill to be entitled "An Act amending Article 793 of the Code of Criminal Procedure of the State of Texas of 1925, relating to defendants convicted of misdemeanors, so as to strike out of said article the words 'three dollars' and inserting in lieu thereof the words 'fifty cents,' and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Smith of Smith:

H. B. No. 554, A bill to be entitled "An Act to establish a State college in Tyler, Texas, to be known as the Texas Industrial College; providing for its

government, the control of its finances; defining its objectives, and describing generally the nature and scope of instruction to be given, and conferring upon the board of directors of said college the right of eminent domain, and declaring an emergency."

Referred to Committee on Education.

REPORT OF COMMITTEE TO ARRANGE FOR GROUP PICTURE.

The Speaker laid before the House and had read the following report:

The committee heretofore appointed, pursuant to a resolution adopted by the House, to arrange for the group picture of the members of the House of Representatives, has made every effort to secure the best arrangements possible, and has made a definite arrangement with the Jensen Studio, 918 Congress Avenue, Austin, for the furnishing of the group picture of the House of Representatives of the Fortieth Legislature of Texas.

Jensen Studio's telephone number is 7027, and each and every member of the House of Representatives is requested to make an appointment at the studio as early as practicable for the purpose of having their "beauty struck" for the group picture. Any further information will be gladly furnished by Mr. Jensen, or any member of the committee on arrangements.

PARRISH of Travis, Chairman.

HOUSE BILL NO. 52 WITH SENATE AMENDMENTS.

Mr. Satterwhite called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 52, A bill to be entitled "An Act to amend House bill No. 369 of the Acts of the Thirty-ninth Legislature, Regular Session, Chapter 86, and providing for the reorganization of the Thirty-first Judicial District of Texas; creating and organizing the One Hundred and Seventh Judicial District," etc.

The Speaker laid the bill before the House and the Senate amendments were read.

Mr. Satterwhite moved that the House concur in the Senate amendments.

Mr. Gray moved that the House do not concur in the Senate amendments.

Question recurring on the motion by Mr. Gray, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—30.

Black.	Kirkland.
Boggs.	Long.
Boon.	McGill.
Branch.	Olsen.
Cornwell.	Pavlica.
Durham.	Pearce.
Enderby.	Pool.
Farrar.	Powell.
Gray.	Simmons.
High.	Smith of Atascosa.
Kemble.	Smith of El Paso.
Kennedy.	Snelgrove.
Kincaid.	Stout.
King of Hopkins.	Wassell.
King of	Williams
Throckmorton.	of Travis.

Nays—59.

Acker.	Moursund.
Alexander.	Murphy.
Barnett.	Nicholson.
Barron.	Parish of Runnels.
Bass.	Parrish of Travis.
Beck.	Poage.
Bird.	Pope.
Conway.	Porter.
Daniel.	Purl.
Duvall.	Reagan.
Faulk.	Sanders.
Forbes.	Satterwhite.
Foster.	Sheats.
Graves.	Shirley.
Harman.	Smith of Nueces.
Holder.	Smith of Smith.
Holland.	Smyth.
Hornaday.	Stevenson.
Jacks.	Sutton.
Johnson.	Swain.
Jones.	Teer.
Justice.	Van Zandt.
Land.	Veatch.
Loftin.	Waddell.
Loy.	Walker.
McCombs.	Wallace of Panola.
McKean.	Ware.
Montgomery.	Wells.
Morse.	Young.

Present—Not Voting.

Bateman.	Shaver.
DeBerry.	Shearer.
Gibson.	Taylor.
Lipscomb.	Turner.
Ramsey.	Wallace of Smith.
Renfro	Webb.
of Angelina.	Williams
Rogers of Shelby.	of Sabine.
Rowell.	Williamson.
Runge.	Woodall.

Absent.

Anderson.	Avis.
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Bonham.	Hefley.
Brown.	Kayton.
Cox.	Kinnear.
Cummings.	Nabors.
Davis.	Petsch.
Denman.	Rawlins.
Dielmann.	Renfro of Mills.
Dunlap.	Rogers of Hays.
Eickenroht.	Storey.
Fly.	Wallace
Gates.	of Freestone.
Harding.	Whitaker.

Absent—Excused.

Albritton.	Masterson.
Finlay.	Merritt.
Fuchs.	Minor.
Gilbert.	Sinks.
Hagaman.	Stell.
Hall.	Tillotson.
Kenyon.	Woodruff.
Kirby.	

Question then recurring on the motion by Mr. Satterwhite, that the House concur in the Senate amendments, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—106.

Mr. Speaker.	Johnson.
Acker.	Jones.
Alexander.	Justice.
Barnett.	King of Hopkins.
Barron.	King of
Bass.	Throckmorton.
Bateman.	Land.
Beck.	Lipscomb.
Bird.	Loftin.
Black.	Long.
Boggs.	McCombs.
Boon.	McGill.
Branch.	McKean.
Brown.	Montgomery.
Conway.	Morse.
Cornwell.	Moursund.
Daniel.	Murphy.
Denman.	Nabors.
Durham.	Nicholson.
Duvall.	Olsen.
Enderby.	Parish of Runnels.
Eickenroht.	Parrish of Travis.
Farrar.	Pavlica.
Faulk.	Pearce.
Forbes.	Petsch.
Foster.	Poage.
Gibson.	Pool.
Graves.	Pope.
Gray.	Porter.
Harman.	Powell.
High.	Purl.
Holder.	Ramsey.
Holland.	Reagan.
Hornaday.	Rogers of Hays.
Jacks.	Rogers of Shelby.

Runge.	Taylor.
Sanders.	Teer.
Satterwhite.	Van Zandt.
Shaver.	Veatch.
Shearer.	Waddell.
Sheats.	Walker.
Shirley.	Wallace
Simmons.	of Freestone.
Sinks.	Wallace of Panola.
Smith of El Paso.	Wallace of Smith.
Smith of Nueces.	Ware.
Smith of Smith.	Wassell.
Smyth.	Webb.
Snelgrove.	Wells.
Stevenson.	Williams
Storey.	of Travis.
Stout.	Williamson.
Sutton.	Woodall.
Swain.	Young.

Present—Not Voting.

DeBerry.	Renfro
Kennedy.	of Angelina.
Kincaid.	Rowell.
Kirkland.	Turner.

Absent.

Anderson.	Hefley.
Avis.	Kayton.
Bonham.	Kemble.
Cox.	Kinnear.
Cummings.	Loy.
Davis.	Rawlins.
Dielmann.	Renfro of Mills.
Dunlap.	Smith of Atascosa.
Fly.	Whitaker.
Gates.	Williams
Harding.	of Sabine.

Absent—Excused.

Albritton.	Kirby.
Finlay.	Masterson.
Fuchs.	Merritt.
Gilbert.	Minor.
Hagaman.	Stell.
Hall.	Tillotson.
Kenyon.	Woodruff.

HOUSE BILL NO. 9 ON SECOND READING.

On motion of Mr. Harman, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 9, A bill to be entitled "An Act to provide means and methods for the collection of delinquent and insolvent taxes, penalties and interest thereon, and other moneys and taxes due the State, counties and school and other districts, and for the correction, completion and perfection of the tax assessment rolls and records of the State and counties, and more fully to

prescribe the duties of the Comptroller of Public Accounts and other State officers, tax collectors, tax assessors, district and county attorneys in reference thereto, and vesting in said Comptroller certain powers in respect thereto; and providing for compensation for those engaged by said Comptroller by contract for the more efficient accomplishment of said purposes; repealing all laws in conflict with the provisions of this act, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Harman offered the following (committee) amendment to the bill:

Amend House bill No. 9 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. The Comptroller of Public Accounts of the State of Texas is hereby vested with authority, and it is made his duty, to make and execute, from time to time, contracts with a competent person or persons, experienced in tax matters, for his services in assisting State, county and district officers in the collection and enforcement of payment of delinquent State ad valorem taxes due or to become past due for one year to the State, as are now or may become collectible by or through the county tax collectors under existing law, or under the law as it may exist, and which may now be or may become delinquent; provided that the county commissioners, school district trustees, or other district trustees, may join in the contract with the Comptroller for the collection of delinquent county, school district or other district taxes; provided that it shall be the duty of the Comptroller to join a county having a large sum of delinquent taxes with a county or counties having smaller delinquencies.

Sec. 2. The Comptroller of Public Accounts shall prescribe the form of such contract or contracts, in such terms as shall require of each such person to render competent and faithful service during the term named in his contract in assistance of said officers and in performance of the general duties named and to be named in this act, and such contract as to general form shall be subject to approval by the Attorney General. The Comptroller of Public Accounts shall require the person or persons with whom each such contract is made to execute a bond in a penal sum of not less than five thousand (\$5,000.00) dollars, and not more than

ten thousand (\$10,000.00) dollars, payable to the Comptroller of Public Accounts for the use and benefit of the State, as its interest may appear and conditioned upon the faithful performance of the terms and obligations of such contract, and the duties assumed thereunder, and under this act by such person or persons; each such bond shall be executed by two or more personal sureties satisfactory to the Comptroller, or by some surety company authorized to do business in the State, and shall be subject to his approval and such approval shall be evidence of the final making so such contract, and the general form of such bond shall be subject to approval by the Attorney General. Suit shall lie upon such bond in a court of competent jurisdiction in Travis county, Texas, and not elsewhere, in the name and behalf of the State.

Sec. 3. The compensation which shall be and is hereby allowed to the person or persons with whom any such contract shall be made, and for all services performed by him or them thereunder, shall be such amount, or amounts as will equal (one-tenth of the amount collected as such taxes, or other moneys, penalties, and interest, when collected without suit, and, as will) equal one-fourth of the amount collected as such taxes, or other moneys, penalties, and interest when suit is filed with reference to which such person or persons performed, or offered, or attempted to perform, any duty or service under the terms of such contract, or this act. The Comptroller of Public Accounts is hereby vested with authority, and it is made his duty, to prescribe the proportion of the amounts thus collected within said one-fourth as the measure of such compensation if in his judgment such proportion should be less than said one-fourth.

And such compensation shall become due and payable, and shall be paid, as and when such collections are made and as follows:

(a) The tax collector of each county in which such service and duties are to be performed shall once each month deliver to such person or persons, or to his or their duly authorized agent, the sum or sums then earned by such person or persons in respect to such collections of such taxes theretofore made, and for such payments the tax collector, in his remittance in behalf of the State, county or district, and in his settlements therewith, shall be entitled to and take credit.

(b) The Comptroller of Public Ac-

counts and all other State officers, respectively, whose duty it is or may be under the law to receive or collect taxes or other moneys due the State shall once each month deliver to such person or persons, or his or their duly authorized agent, the sum or sums then earned (and unpaid) by such person or persons in respect to taxes or other moneys, payable to such officer, and shall be entitled to and shall take due credit for such payments.

Sec. 4. It shall be the duty of each person or persons who shall have entered into such a contract to use diligence to discover errors in the assessment rolls, and, upon discovery of any such error, to certify the facts to the Comptroller of Public Accounts, the tax collector and tax assessor for such action as may be proper.

Sec. 5. Such person or persons shall make diligent effort to cause all such taxes, and other moneys, to be collected without suit. And whenever such person or persons may be of the opinion that any particular tax, or taxes, or other moneys past due the State cannot be collected without suit, he or they shall, as soon as possible thereafter, and from time to time certify a list, in duplicate of the unpaid taxes upon which suit should be instituted to the Comptroller of Public Accounts, who shall examine such list, and, if in his opinion, the same is correct, he shall certify such list, or such list as corrected by him, as to such taxes, to the tax collector of the proper county, who shall transmit same to the county attorney, or the district attorney of the county, with a request that suits be immediately instituted to enforce the payment of all such delinquent taxes; and as to other taxes, or moneys, due the State, he shall certify a list of such to the Attorney General, with the request that suits for collection be instituted.

Sec. 6. The contracting party shall prepare the petitions and the pleadings for any and all the suits against delinquent and insolvent taxpayers certified to the county or district attorney, and provided for in Section 5 hereof, and such petitions and pleadings shall be presented to any such county or district attorney in proper form, with the request that he shall promptly sign the same officially and file in a court of competent jurisdiction, and shall diligently prosecute any such suit or suits to final judgment. And when the services of attorneys to file and prosecute suits to enforce such collection under the di-

rection or authority of the county attorney, or by way of assistance to the county attorney in filing and prosecuting such suits shall be necessary, such attorneys shall be employed and paid for their services by the person or persons with whom such contract is made.

Sec. 7. In the event the tax collector of any county shall fail or refuse to transmit to the county or district attorney of his county such lists that may be certified to him by the Comptroller the contractor shall file a bill of complaint with the State Comptroller, setting forth the facts in the instance, and upon receipt of such bill of complaint the Comptroller shall make full examination of the facts in the case, and, if in his judgment, it appears that the official complained of has failed or refused to take proper official action in the matter, the Comptroller shall certify the complaint to the Attorney General, who shall forthwith institute proceedings for the removal of such tax collector from office.

Sec. 8. In the event the county or district attorney shall fail or refuse to file any suit or suits in the matter of the collection of the delinquent and insolvent taxes, or other moneys, herein provided for, within ten days after the pleadings have been presented to such officer by any contracting party hereunder, or in the event any such county or district attorney shall fail or refuse to diligently and faithfully prosecute said suit or suits to final judgment, any contracting party, provided for herein, shall file a bill of complaint with the State Comptroller, setting forth the facts in the instance, and upon receipt of such bill of complaint, the Comptroller shall make full examination of the facts in the case, and, if in his judgment, it appears that the officer complained of has failed or refused to take proper official action in the matter, the Comptroller shall certify the complaint to the Attorney General, who shall forthwith institute proceedings for the removal of such county or district attorney from office.

Sec. 9. It shall be the duty of the contracting party to clear the tax record, as far as possible, of all delinquent and insolvent taxes, or other moneys past due, during any one year, and before the taxes become delinquent for the next succeeding year, and to assist the tax collector, and the county and district attorney, as far as possible, in all the duties imposed under the terms of this act, as well as those of the contractor,

and any failure to do so, unless for good and sufficient cause, shall authorize the Comptroller to cancel such contracts, and to request the Attorney General to bring suit for such damages as the State may have sustained.

Sec. 10. In the event it may be necessary to levy on the property or to file suit to collect the delinquent and insolvent taxes, no property shall be sold for a less amount than the taxes, penalties, interest and costs due on such property, unless it be shown by a statement of the tax assessor, filed with the sheriff, to the effect that such property to be sold is not reasonably worth in cash the amount of such taxes, penalties, interest and costs charged against it. It shall be the duty of the sheriff to sell any such property to the highest bidder, provided that no such sale shall be made for a less amount than the total of the taxes, penalties, interest and costs, except as above set forth.

Sec. 11. Taxes, and other moneys, past due shall be paid to the Comptroller of Public Accounts, other State officers and tax collectors, as now provided for by law, the purpose of this act being to furnish additional services in causing such payments to be made.

Sec. 12. Each person, or persons, with whom such contract is made, shall, at his own expense, provide and furnish all books, stationery and supplies necessary to the proper performance of the duties provided for in such contract, and in this act, and the forms and designs of such books and records shall be prescribed by the Comptroller of Public Accounts.

Sec. 13. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 14. If any section or part of this act shall be declared invalid for any reason, such decision shall not affect any remaining part of the act.

Sec. 15. The fact that according to a conservative estimate of the amount of the delinquent and insolvent taxes due the State alone, as shown by the records of the State Comptroller's Department, is approximately twenty-five million (\$25,000,000.00) dollars, with doubtless an equal amount due the counties and districts; and the fact that such delinquencies make the tax burden heavier on the willing taxpayers; and that the collection of these delinquent taxes will contribute several million dollars to the available free school fund, the general revenue, and the Confederate pension fund of this State; and the fur-

ther fact that it is apparent that the cost of collection of such taxes as provided for in this act will more than be taken care of by the accrued penalties and interest, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Harman offered the following amendments to the amendment:

Amend (committee) amendment No. 1 to House bill No. 9 by striking out the words "or other moneys" wherever they occur in the bill.

Amend (committee) amendment No. 1, page 7, Section 2, line 29, by striking out the word "so" and insert in lieu thereof the word "of."

The amendments were severally adopted.

Mr. Kemble offered the following amendment to the amendment:

Amend (committee) amendment No. 1 to House bill No. 9, page 7, line 9, by adding the following: "Provided the Comptroller shall not have authority to contract for the collection of any taxes for which a suit has been filed nor unless the taxes have been delinquent for at least one year."

The amendment was adopted.

The (committee) amendment as amended was then adopted.

Mr. Harman offered the following (committee) amendment to the bill:

Amend House bill No. 9 by striking out all before the enacting clause and inserting in lieu thereof the following:

"A bill to be entitled 'An Act to provide means and methods for the collection of delinquent and insolvent taxes, penalties and interest thereon, and other moneys and taxes due the State, and for the correction, completion and perfection of the tax assessment rolls and records of the State and counties, and more fully to prescribe the duties of the Comptroller of Public Accounts and other State officers,* tax collectors, tax assessors, district and county attorneys in reference thereto, and providing for compensation for those engaged by said Comptroller by contract for the more efficient accomplishment of said purposes, providing for counties, school districts or other districts to join in the contracts herein provided for, repealing all laws in conflict with the provisions

of this act, and declaring an emergency.'"

Mr. Harman offered the following amendment to the (committee) amendment:

Amend committee amendment No. 2, page 11, line 38, by inserting after the word "insolvent," the words "ad valorem," and striking out the words "and other moneys and taxes due the State," in line 39.

The amendment was adopted.

(Mr. Kemble in the chair.)

The (committee) amendment as amended was then adopted.

Mr. Barnett moved the previous question on the engrossment of the bill, and the main question was ordered.

House bill No. 9 then failed to pass to engrossment.

Mr. Stout moved to reconsider the vote by which the bill failed to pass to engrossment and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—68.

Alexander.	Moursund.
Anderson.	Murphy.
Barnett.	Nabors.
Bass.	Nicholson.
Bateman.	Olsen.
Bird.	Parish of Runnels.
Boon.	Pavlica.
Branch.	Pool.
Conway.	Pope.
Cornwell.	Purl.
Cox.	Reagan.
Davis.	Rogers of Hays.
DeBerry.	Rogers of Shelby.
Duvall.	Rowell.
Eickenroht.	Sanders.
Farrar.	Shaver.
Forbes.	Sheats.
Foster.	Shirley.
Gates.	Snelgrove.
Gray.	Storey.
Harding.	Stout.
Holder.	Swain.
Johnson.	Turner.
Kayton.	Van Zandt.
Kennedy.	Veatch.
Kincaid.	Walker.
King of Hopkins.	Wallace
King of	of Freestone.
Throckmorton.	Wallace of Panola.
Kirkland.	Ware.
Long.	Wassell.
McCombs.	Webb.
McGill.	Wells.
Montgomery.	Williamson.
Morse.	Young.

Nays—40.

Avis.	Porter.
Barron.	Powell.
Black.	Ramsey.
Boggs.	Renfro
Daniel.	of Angelina.
Durham.	Runge.
Enderby.	Shearer.
Fly.	Simmons.
Harman.	Sinks.
High.	Smith of El Paso.
Holland.	Smith of Smith.
Jacks.	Stevenson.
Jones.	Sutton.
Justice.	Taylor.
Kinnear.	Teer.
Land.	Waddell.
Lipscomb.	Williams
Loy.	of Sabine.
McKean.	Williams
Pearce.	of Travis.
Petsch.	Woodall.
Poage.	

Present—Not Voting.

Wallace of Smith.

Absent.

Acker.	Hornaday.
Beck.	Kemble.
Bonham.	Loftin.
Brown.	Parrish of Travis.
Cummings.	Rawlins.
Denman.	Renfro of Mills.
Dielmann.	Satterwhite.
Dunlap.	Smith of Atascosa.
Faulk.	Smith of Nueces.
Gibson.	Smyth.
Graves.	Whitaker.
Hefley.	

Absent—Excused.

Albritton.	Kirby.
Finlay.	Masterson.
Fuchs.	Merritt.
Gilbert.	Minor.
Hagaman.	Stell.
Hall.	Tillotson.
Kenyon.	Woodruff.

HOUSE BILL NO. 18 ON SECOND READING.

On motion of Mr. Daniel, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 18, A bill to be entitled "An Act to define, regulate and license real estate brokers, real estate agents and real estate salesmen within the State of Texas; to create a State Board of Examiners to operate in conjunction with the office of the Commissioner of the General Land Office, and providing

for the appointment of such examiners and fixing their qualifications, compensation and tenure of office; and providing certain qualifications of real estate brokers, real estate agents and salesmen before receiving license; and providing for certain license fees to be paid by each applicant for real estate license; and also providing for the giving of a bond for the protection of the public from fraud and misrepresentation by such real estate broker, salesman or agent; and providing for the revoking of license by the State Board of Examiners and stating the grounds for such action; and providing for notice and the right of review by an applicant to whom a license is refused or whose license is revoked; and to provide a penalty for violation of the provisions hereof; repealing all laws in conflict herewith; and providing that the invalidation by the courts of any section or provision of this act shall not invalidate any other provision hereof, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

RECESS.

On motion of Mr. Wassell, the House, at 11:45 o'clock a. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

HOUSE BILL NO. 18 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 18, relating to real estate brokers, on its passage to engrossment.

Mr. Poage offered the following amendment to the bill:

Amend House bill No. 18 by striking out everything after the enacting clause and inserting in lieu thereof the following:

Section 1. It shall be unlawful for any person, firm, co-partnership, association or corporation, or any member of such firm, co-partnership or association from and after September 1, 1927, to engage in the business, either directly or indirectly, of a real estate broker, salesman or agent within this State without first obtaining a license as hereinafter provided.

Sec. 2. A real estate broker or agent within the meaning of this act is any

person, firm, partnership, co-partnership, association or corporation, who for a compensation or valuable consideration sells or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, or who leases or offers for lease or rents or offers for rent, any real estate or the improvements thereon for others, as a whole or partial vocation.

One act for a compensation or valuable consideration of buying or selling real estate of or for another, or offering for another to buy or sell, or exchange real estate, or leasing, or renting, or offering to rent real estate, except as herein specifically excepted, shall constitute the person, firm, partnership, co-partnership, association or corporation, performing, offering or attempting to perform any of the acts enumerated herein, a real estate broker, agent or a real estate salesman within the meaning of this act.

Sec. 3. The provisions of this act shall not apply to any person, firm, co-partnership, association or corporation, or the regular salaried members thereof, who as owner, lessor or lessee shall perform any of the acts aforesaid with reference to property owned or held under lease by him. Nor shall the provisions of this act apply to persons holding a duly executed power of attorney from the owner for the sale, leasing or exchange of real estate, nor shall this act be constructed to include in any way the services rendered by any attorney at law in the performance of his duties as such attorney at law, nor shall it be held to include a receiver, trustee in bankruptcy, administrator or executor, or any person selling real estate under order of any court, nor to a trustee selling under a deed of trust, with the exception of land subdivided into colonization tracts or building lots.

Sec. 4. The Commissioner of the General Land Office shall employ, and at his pleasure discharge, a person who shall be known and designated as the Supervisor of the Real Estate Division of the General Land Office, who shall be an experienced real estate broker, agent or salesman, and said Commissioner of the General Land Office may employ such other assistants as are actually necessary in carrying out the provisions of this act.

The duties of the supervisor of the Real Estate Division shall be to issue all licenses herein provided for and to carry out all other provisions of this act under the supervision of the Commis-

sioner of the General Land Office and shall receive as compensation for his services the sum of thirty-six hundred dollars (\$3,600) per annum.

Sec. 5. All fees and charges collected by the Commissioner of the General Land Office under the provisions of this act shall be paid into the State treasury. All funds so deposited or so much thereof as is necessary is hereby appropriated for the payment of the salaries and expenses authorized by this act. All expenses incurred by the Real Estate Division of the General Land Office under the provisions of this act, including compensation to members, supervisors and assistants, shall be paid out of this special fund upon warrants drawn by the Commissioner of the General Land Office and approved by the Comptroller. Provided that the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into this special fund and no liability in excess of said fund shall be created, and at the end of each fiscal year any money in said fund in excess of \$3,600 shall be transferred to the general fund of the State.

Sec. 6. All applications for license shall be made in writing to the supervisor of the Real Estate Division of the General Land Office. Such application shall also be accompanied by the recommendation of at least three citizens, real estate owners, not related to the applicant, who have owned real estate for a period of one year or more, in the county in which said applicant resides, or has his place of business, which recommendation shall certify that the applicant bears a good reputation for honesty, competency and fair dealing, and recommending that a license be granted to the applicant. Every applicant for a broker's license shall furnish a sworn statement setting forth his present address, both of business and residence, the complete address, both of business and residence, the complete address of all former places where he may have resided or been engaged in business, or acted as a real estate broker or salesman, for a period of sixty days or more, during the last five years, and the length of such residence, together with the name of at least one real estate owner in each of the said counties where he may have resided, engaged in business, or acted as broker or salesman.

The employer shall be responsible for the acts of the salesmen whom he has in his employ.

Sec. 7. The annual fee for each real estate broker's agent's or salesman's license shall be five dollars. Every application for a license under the provisions of this act shall be accompanied by the license fee herein prescribed, and every license shall expire on the thirtieth day of June of each year.

Sec. 8. Every application for a real estate license shall be accompanied by a bond in the sum of \$1,000 payable to the Commissioner of the General Land Office, or his successor in office, executed by two or more good and sufficient sureties, or by a surety company duly authorized to do business in the State of Texas, said bond to be approved by the county clerk of the county of the residence of the applicant and conditioned that the applicant shall conduct his business in accordance with the requirements of this act, and the bond so taken and approved shall be deposited in the General Land Office of the State of Texas. A certified copy of such bond may be put in suit in the name of the Commissioner of the General Land Office for the use of the party injured and shall not become void on the recovery of part of the penalty thereof, but may be sued on from time to time by the parties injured until the whole amount of the penalty is recovered. And it shall be the duty of the supervisor of the Real Estate Division of the General Land Office, whenever he may consider the bond insufficient or doubtful, to require the giving of another bond or bonds so that at all times there will be a good and sufficient bond so deposited with the Commissioner of the General Land Office.

Sec. 9. Upon receipt of a certificate of the clerk of any court in this State certifying that any broker, agent or salesman as herein provided for, has been found liable by a court of this State on the bond herein provided for, it shall be the duty of the supervisor of the Real Estate Division of the General Land Office to forfeit the license of the said broker, salesman or agent so offending; it shall also be his duty to forfeit the license in like manner upon receipt of a certificate from the clerk of any court of this State certifying that any broker, agent or salesman as herein provided has been found guilty of any offense under the laws of this State involving any act or transaction as a real estate broker, agent or salesman, and it is hereby made the duty of the clerk of all courts of this State, upon the rendition of a judgment or conviction by a court as hereinabove provided for, to certify

the fact of such conviction or judgment to the supervisor of the General Land Office without delay. This act is not to be construed to relieve any person from civil liability or criminal prosecution under the general laws of this State.

Sec. 10. The county or district attorney, as the case may be, may file suit in the district court of the county in which the real estate dealer resides to forfeit the license of the said real estate dealer upon the filing of a sworn complaint by a credible person alleging that the said real estate dealer has been guilty of any of the following offenses, providing that the person so filing the complaint has been injured by such offense:

(a) Making any substantial misrepresentations; or

(b) Making any false promises of a character likely to influence, persuade or induce; or

(c) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents or salesmen or advertising or otherwise; or

(d) Acting for more than one party in a transaction without the knowledge of all parties thereto; or

(e) Representing, or attempting to represent, a real estate broker other than the employer, without the express knowledge and consent of the employer; or

(f) Failure to account for or to remit for any money coming into his possession which belongs to others; or

(g) Paying a commission or valuable consideration for services rendered as a real estate broker, agent or salesman, to any person not licensed under the provisions of this act.

(h) Has demonstrated unworthiness or incompetency to act as a real estate broker or salesman.

(i) Any other conduct whether of the same or a different character than hereinbefore specified which constitutes dishonest dealing.

Sec. 11. The Supervisor of the Real Estate Division of the General Land Office shall at least semi-annually print a list of the names and addresses of all licenses licensed by it under the provisions of this act, and all persons whose license has been suspended or revoked within one year, together with such other information relative to the enforcement of the provisions of this act as it may deem of interest to the public. One of such lists shall be mailed to the county clerk in each county of the State and shall be held by said county clerk

as a public record. Such lists shall also be mailed by the Supervisor of the Real Estate Division of the General Land Office to any person in the State upon request, accompanied by a sum sufficient to cover the cost of printing and mailing.

Sec. 12. Any person, firm, co-partnership, association or corporation violating the provisions of Section 1 of this act, shall upon conviction thereof, be punished by a fine of not less than \$100 and not to exceed the sum of \$1000. Each and every act in violation of the terms and provisions thereof shall constitute a separate offense.

Sec. 13. The Supervisor of the Real Estate Division of the General Land Office may prefer a complaint for violation of Section 1 of this act before any court of competent jurisdiction. It shall be the duty of the district attorney of each county in this State to prosecute all violations of the aforesaid provisions of this act in their respective counties in which said violations occur.

Sec. 14. No person, firm, co-partnership, association or corporation engaged in the business or acting in the capacity of a real estate broker, agent, or salesman within this State shall bring or maintain any action in the courts of this State for the collection of compensation for the performance of any of the acts mentioned in Section 2 hereof without alleging and providing that such person, firm, co-partnership, association or corporation was a duly licensed real estate broker, agent or salesman at the time the alleged cause of action arose.

Sec. 15. If any section, subsection, sentence, clause, phrase, or requirement of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this act, and each section, sentence, clause, phrase and requirement thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or requirements be declared unconstitutional.

Sec. 16. All laws or parts of laws in conflict with this act are to be and the same are hereby repealed.

Signed—Poage, Jones, Young, Brown.

Mr. Barnett moved that the bill be laid on the table subject to call.

Mr. Morse moved as a substitute motion that the bill be set as a special order for 10 o'clock a. m. next Friday.

Question first recurring on the motion by Mr. Morse, yeas and nays were

demand and the motion prevailed by the following vote:

Yeas—99.

Mr. Speaker.	Murphy.
Alexander.	Nicholson.
Anderson.	Parish of Runnels.
Avis.	Parrish of Travis.
Barnett.	Petsch.
Barron.	Poage.
Beck.	Pool.
Bird.	Purl.
Black.	Ramsey.
Boggs.	Reagan.
Branch.	Renfro
Conway.	of Angelina.
Cox.	Renfro of Mills.
Cummings.	Rogers of Hays.
Daniel.	Rogers of Shelby.
Denman.	Rowell.
Dunlap.	Sanders.
Durham.	Satterwhite.
Duvall.	Shaver.
Enderby.	Shearer.
Eickenroht.	Sheats.
Faulk.	Shirley.
Fly.	Simmons.
Foster.	Sinks.
Gibson.	Smith of El Paso.
Gilbert.	Smith of Nueces.
Graves.	Smith of Smith.
Gray.	Smyth.
Harding.	Stevenson.
Harman.	Storey.
Hefley.	Sutton.
Holder.	Swain.
Holland.	Taylor.
Jacks.	Turner.
Johnson.	Van Zandt.
Jones.	Veatch.
Kayton.	Waddell.
Kemble.	Wallace
Kennedy.	of Freestone.
King of Hopkins.	Wallace of Panola.
Kinnear.	Wallace of Smith.
Land.	Wassell.
Lipscomb.	Webb.
Loftin.	Wells.
Long.	Whitaker.
Loy.	Williams
McCombs.	of Sabine.
McGill.	Williams
McKean.	of Travis.
Minor.	Williamson.
Montgomery.	Woodall.
Morse.	Young.
Moursund.	

Nays—22.

Bass.	Hornaday.
Bateman.	Justice.
Boon.	King of
Davis.	Throckmorton.
DeBerry.	Kirkland.
Farrar.	Nabors.
Forbes.	Olsen.

Pavlica.	Snelgrove.
Pearce.	Stout.
Pope.	Walker.
Porter.	Ware.
Smith of Atascosa.	

Absent.

Acker.	High.
Brown.	Masterson.
Cornwell.	Rawlins.
Dielmann.	Teer.
Gates.	

Absent—Excused.

Albritton.	Kirby.
Bonham.	Merritt.
Finlay.	Powell.
Fuchs.	Runge.
Hagaman.	Stell.
Hall.	Tillotson.
Kenyon.	Woodruff.
Kincaid.	

The motion as substituted was then adopted.

HOUSE BILL NO. 323 ON SECOND READING.

On motion of Mr. Smyth, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 323, A bill to be entitled "An Act to be known as the Texas Defense Act, providing for the creation, organization, maintenance, government, operation, authority, province, functions, and duties of the Military Establishment of the State of Texas, its officers and personnel, including the Texas National Guard and the Texas Militia; adopting the provisions of the National Defense Act enacted by the Congress of the United States and National Guard Regulations prescribed by the War Department of the United States; prescribing the duties of the officers of the Military Establishment of the State of Texas; and the rights, powers and duties of the Governor in relation thereto; and repealing all of Title 94, Chapters 1, 2, 3 and 4, Revised Statutes of 1925, and all other laws or parts of laws in conflict with this act, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Smyth offered the following (committee) amendment to the bill:

Amend House bill No. 323 by striking out all after the enacting clause and inserting in lieu thereof the following:

"Section 1. The State of Texas accepts, ratifies and affirms all of the provisions of the National Defense Act en-

acted and amended by the Congress of the United States relating to the National Guard.

"Sec. 2. The State of Texas recognizes the right of the President of the United States to call into the military service of the United States the Texas National Guard and Texas National Guard Reserve for service within or without the United States and when Congress shall have authorized the use of the armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army the right and power of the President of the United States is recognized under such regulations as he may prescribe to draft the military service of the United States to serve therein for the period of the war or emergency unless sooner discharged the Texas National Guard and the Texas National Guard Reserve. On the termination of the emergency all persons so called or drafted who shall be discharged from the army shall resume their membership in Texas National Guard and in the Texas National Guard Reserve and shall continue to serve until the dates upon which their commissions or enlistments entered into prior to the call or draft would have expired if uninterrupted, unless sooner discharged.

"Sec. 3. The fact that the State of Texas has not heretofore accepted, ratified and adopted the provisions of the National Defense Act enacted by Congress relating to the National Guard and has not heretofore provided for the return of the Texas National Guard and Texas National Guard Reserve to their State status after service during an emergency in the military establishment of the United States creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills shall be read on three several days be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Mr. Smyth offered the following (committee) amendment to the bill:

Amend House bill No. 323 by striking out all above the enacting clause and inserting in lieu thereof the following:

"A bill to be entitled 'An Act providing for the acceptance, ratification and adoption of the National Defense Act enacted and amended by the Congress of the United States relating to the National Guard; recognizing the

right of the President of the United States to call or draft the Texas National Guard and Texas National Guard Reserve into the military service of the United States; the resumption of the Texas National Guard and the Texas National Guard Reserve of their membership in the Texas National Guard and in the Texas National Guard Reserve on termination of such service, and declaring an emergency.'"

The amendment was adopted.

House bill No. 323 was then passed to engrossment.

HOUSE BILL NO. 323 ON THIRD READING.

Mr. Smyth moved that constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 323 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106.

Mr. Speaker.	Kemble.
Alexander.	Kennedy.
Anderson.	Kincaid.
Avis.	King of Hopkins.
Barron.	King of
Bass.	Throckmorton.
Bateman.	Kinnear.
Beck.	Kirkland.
Bird.	Lipscomb.
Black.	Loftin.
Boggs.	Long.
Boon.	Masterson.
Branch.	McCombs.
Brown.	McGill.
Cox.	McKean.
Cummings.	Minor.
Davis.	Montgomery.
DeBerry.	Moursund.
Denman.	Murphy.
Dunlap.	Nabors.
Durham.	Nicholson.
Enderby.	Parish of Runnels.
Faulk.	Parrish of Travis.
Fly.	Pearce.
Forbes.	Petsch.
Foster.	Poage.
Gibson.	Pool.
Gilbert.	Pope.
Graves.	Porter.
Harding.	Powell.
Harman.	Purl.
Hefley.	Ramsey.
High.	Reagan.
Holland.	Renfro of Mills.
Hornaday.	Rogers of Hays.
Jacks.	Rogers of Shelby.
Johnson.	Rowell.
Jones.	Runge.
Justice.	Sanders.
Kayton.	Shaver.

Shearer.	Turner.
Sheats.	Van Zandt.
Shirley.	Veatch.
Simmons.	Waddell.
Sinks.	Walker.
Smith of El Paso.	Wallace
Smith of Nueces.	of Freestone.
Smith of Smith.	Wallace of Panola.
Smyth.	Ware.
Snelgrove.	Wassell.
Storey.	Webb.
Stout.	Wells.
Sutton.	Williamson.
Swain.	Woodall.
Taylor.	Young.

Nays—5.

Eickenroht.	Olsen.
Gray.	Whitaker.
Loy.	

Present—Not Voting.

Wallace of Smith.

Absent.

Acker.	Pavlica.
Barnett.	Rawlins.
Bonham.	Renfro
Conway.	of Angelina.
Cornwell.	Satterwhite.
Daniel.	Smith of Atascosa.
Dielmann.	Stevenson.
Duvall.	Teer.
Farrar.	Williams
Gates.	of Sabine.
Holder.	Williams
Land.	of Travis.
Morse.	

Absent—Excused.

Albritton.	Kirby.
Finlay.	Merritt.
Fuchs.	Stell.
Hagaman.	Tillotson.
Hall.	Woodruff.
Kenyon.	

The Speaker then laid House bill No. 323 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—105.

Mr. Speaker.	Boon.
Alexander.	Branch.
Anderson.	Cox.
Avis.	Cummings.
Barnett.	Daniel.
Barron.	Davis.
Bass.	DeBerry.
Bateman.	Denman.
Beck.	Dunlap.
Bird.	Durham.
Black.	Enderby.
Boggs.	Eickenroht.

Faulk.	Purl.
Fly.	Ramsey.
Forbes.	Renfro
Foster.	of Angelina.
Gibson.	Renfro of Mills.
Gilbert.	Rogers of Hays.
Graves.	Rogers of Shelby.
Harding.	Rowell.
High.	Sanders.
Holland.	Shaver.
Hornaday.	Shearer.
Jacks.	Sheats.
Johnson.	Shirley.
Jones.	Simmons.
Justice.	Sinks.
Kayton.	Smith of El Paso.
Kemble.	Smith of Nueces.
Kennedy.	Smyth.
Kincaid.	Snelgrove.
King of Hopkins.	Storey.
King of	Stout.
Throckmorton.	Sutton.
Kirkland.	Swain.
Long.	Taylor.
Loy.	Turner.
Masterson.	Van Zandt.
McCombs.	Veatch.
McGill.	Waddell.
McKean.	Walker.
Minor.	Wallace
Montgomery.	of Freestone.
Moursund.	Wallace of Panola.
Murphy.	Wallace of Smith.
Nabors.	Ware.
Nicholson.	Webb.
Parish of Runnels.	Wells.
Pearce.	Whitaker.
Petsch.	Williams
Poage.	of Travis.
Pool.	Williamson.
Pope.	Woodall.
Porter.	Young.
Powell.	

Nays—1.

Olsen.

Present—Not Voting.

Farrar.	Gray.
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Absent.

Acker.	Loftin.
Bonham.	Morse.
Brown.	Parrish of Travis.
Conway.	Pavlica.
Cornwell.	Rawlins.
Dielmann.	Runge.
Duvall.	Satterwhite.
Gates.	Smith of Atascosa.
Harman.	Smith of Smith.
Hefley.	Stevenson.
Holder.	Teer.
Kinnear.	Wassell.
Land.	Williams
Lipscomb.	of Sabine.

Absent—Excused.

Albritton.	Kirby.
Finlay.	Merritt.
Fuchs.	Reagan.
Hagaman.	Stell.
Hall.	Tillotson.
Kenyon.	Woodruff.

HOUSE BILL NO. 50 ON THIRD READING.

On motion of Mr. Beck, the regular order of business was suspended to take up and have placed on its third reading and final passage,

H. B. No. 50, A bill to be entitled "An Act to regulate motor propelled passenger vehicles not usually operated on or over rails and engaged regularly in the business of transporting passengers for compensation for hire over the public highways of the State; defining motor bus companies and declaring them to be common carriers; excepting motor bus companies operating wholly within an incorporated town or city and suburbs thereof; defining the terms 'corporation,' 'person,' 'public highway,' 'Highway Commission' and 'Commission'; providing for the issuance of certificates of convenience and necessity to motor bus companies, and prescribing the conditions upon which such certificate may be issued; requiring the Railroad Commission of Texas to supervise and regulate the public service rendered by every motor bus company; to fix or approve maximum and minimum fares, rates or charges; to prescribe all rules and regulations necessary for the government of motor bus companies, etc."

The Speaker laid the bill before the House and it was read third time.

Mr. Wassell offered the following amendment to the bill:

Amend House bill No. 50 by striking from the caption and bill the words "Railroad Commission" wherever they appear therein, and substitute therefor the words "Highway Commission."

Mr. Kemble moved the previous question on the pending amendment and bill, and the main question was ordered.

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—18.

Farrar.	Kennedy.
Gates.	King of
Gray.	Throckmorton.
Harman.	Olsen.
Justice.	Pavlica.

Pearce.
Renfro
of Angelina.
Rogers of Hays.
Stout.

Van Zandt.
Walker.
Wallace of Panola.
Wassell.
Whitaker.

Nays—93.

Mr. Speaker.
Alexander.
Anderson.
Avis.
Barnett.
Bass.
Bird.
Black.
Boon.
Branch.
Conway.
Cornwell.
Cummings.
Daniel.
Davis.
DeBerry.
Denman.
Dunlap.
Duvall.
Enderby.
Faulk.
Fly.
Forbes.
Foster.
Gilbert.
Graves.
Harding.
High.
Holder.
Holland.
Hornaday.
Jacks.
Kayton.
Kemble.
Kincaid.
King of Hopkins.
Kinnear.
Kirkland.
Land.
Long.
Loy.
Masterson.
McCombs.
McGill.
McKean.
Minor.
Morse.
Moursund.
Murphy.

Nabors.
Nicholson.
Parrish of Travis.
Petsch.
Poage.
Pool.
Pope.
Porter.
Powell.
Purl.
Ramsey.
Renfro of Mills.
Rogers of Shelby.
Rowell.
Sanders.
Satterwhite.
Shaver.
Shearer.
Sheats.
Shirley.
Simmons.
Sinks.
Smith of Atascosa.
Smith of El Paso.
Smith of Nueces.
Smyth.
Snelgrove.
Stevenson.
Storey.
Sutton.
Swain.
Taylor.
Turner.
Veatch.
Waddell.
Wallace
of Freestone.
Wallace of Smith.
Ware.
Webb.
Wells.
Williams
of Sabine
Williams
of Travis.
Williamson.
Woodall.
Young.

Present—Not Voting.

Bateman. Smith of Smith.

Absent.

Acker.	Bonham.
Barron.	Brown.
Beck.	Cox.
Boggs.	Dielmann.

Durham.
Eickenroht.
Gibson.
Hefley.
Johnson.
Jones.
Lipscomb.

Loftin.
Montgomery.
Parish of Runnels.
Rawlins.
Runge.
Teer.

Ware.
Wassell.
Webb.
Wells.
Whitaker.

Williams
of Travis.
Williamson.
Woodall.
Young.

Nays—19.

Absent—Excused.

Albritton.
Finlay.
Fuchs.
Hagaman.
Hall.
Kenyon.

Kirby.
Merritt.
Reagan.
Stell.
Tillotson.
Woodruff.

House bill No. 50 was then finally passed by the following vote:

Yeas—101.

Mr. Speaker.
Acker.
Alexander.
Anderson.
Avis.
Barnett.
Barron.
Bass.
Bateman.
Beck.
Bird.
Black.
Boggs.
Boon.
Branch.
Conway.
Cornwell.
Cummings.
Daniel.
Davis.
DeBerry.
Denman.
Dunlap.
Durham.
Duvall.
Enderby.
Faulk.
Fly.
Forbes.
Foster.
Gilbert.
Graves.
Harding.
Holder.
Holland.
Hornaday.
Jacks.
Johnson.
Kayton.
Kemble.
King of Hopkins.
Kinnear.
Kirkland.
Land.
Loftin.
Long.

Loy.
Masterson.
McCombs.
McKean.
Minor.
Montgomery.
Morse.
Moursund.
Murphy.
Nabors.
Nicholson.
Pavlica.
Petsch.
Poage.
Pope.
Porter.
Powell.
Purl.
Ramsey.
Renfro of Mills.
Rogers of Hays.
Rogers of Shelby.
Rowell.
Sanders.
Satterwhite.
Shaver.
Shearer.
Sheats.
Shirley.
Simmons.
Sinks.
Smith of Atascosa.
Smith of Nueces.
Smith of Smith.
Smyth.
Snelgrove.
Stevenson.
Storey.
Sutton.
Swain.
Taylor.
Turner.
Van Zandt.
Veatch.
Waddell.
Wallace of Smith.

Farrar.
Gates.
Gray.
Harman.
High.
Justice.
Kincaid.
King of
Throckmorton.
McGill.
Pearce.
Pool.

Reagan.
Renfro
of Angelina.
Smith of El Paso.
Stout.
Walker.
Wallace
of Freestone.
Wallace of Panola.
Williams
of Sabine.

Present—Not Voting.

Kennedy.

Absent.

Bonham.
Brown.
Cox.
Dielmann.
Eickenroht.
Gibson.
Hefley.
Jones.

Lipscomb.
Olsen.
Parish of Runnels.
Parrish of Travis.
Rawlins.
Runge.
Teer.

Absent—Excused.

Albritton.
Finlay.
Fuchs.
Hagaman.
Hall.
Kenyon.

Kirby.
Merritt.
Stell.
Tillotson.
Woodruff.

HOUSE BILL NO. 107 ON SECOND READING.

On motion of Mr. Rogers of Shelby, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 107, A bill to be entitled "An Act to regulate the practice of pharmacy, control and regulate the manufacture, sale and distribution of drugs, chemicals, and poisons; fixing penalties, repealing certain laws, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Shearer offered the following (committee) amendments to the bill:

Committee Amendment No. 1.

Amend House bill No. 107 by striking out Section 6 and in lieu thereof insert the following:

Section 6. It shall be unlawful for any person to compound or manufacture

drugs, medicines, or chemicals, or to sell or distribute same at retail or to the consumer, unless such person is a pharmacist duly registered under the provisions of this act, or unless the compounding, manufacture, sale or distribution be made under the supervision of a registered pharmacist, or unless such compounding, manufacture, sale, distribution is by a person, firm or corporation employing in the place of business where said articles are compounded, manufactured, sold or distributed, a pharmacist duly registered under the provisions of this act; providing that all persons now registered within this State as pharmacists shall have all the rights which are granted to pharmacists under this act, when complying with the requirements thereof, as hereinafter set out; and, provided further, that nothing contained in this act shall be construed to prevent the administration of drugs and medicines carried or kept by licensed dentists, physicians and veterinarians, in order to supply the needs of their patients, nor to prevent the sale of patent or proprietary medicines or domestic remedies in original packages bearing the name and address of the manufacturer or distributor thereof, nor to prevent the sale of poisonous substances which are sold exclusively for use in the arts, or for use as insecticides, when such substances are sold in unbroken packages bearing a label having plainly printed upon it the name of the contents, the word "poison" and the names of at least two readily obtainable antidotes. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) or sentenced to imprisonment for not more than one year, either or both, in the discretion of the court. Each day that any person shall violate the provisions shall constitute a separate offense.

Committee Amendment No. 2.

Amend House bill No. 107 by striking out all of Section 17 and in lieu thereof insert the following:

Section 17. In order that the Board of Pharmacy as created by this act, in the interest of public welfare and safety, may properly perform its duties as defined and provided in this act, it is hereby provided that every registered pharmacist in the meaning of this law, who desires to continue in the pursuit of pharmacy in this State, shall, annually

after the expiration of the calendar year in which he is registered and on the second day of January of each year, pay to the secretary of the board a renewal fee to be fixed by the board, but which shall not exceed three (\$3) dollars, in return for which a renewal certificate shall be issued.

If any person shall fail or neglect to procure his annual renewal registration before March first of each year, his name shall be erased from the register of licensed pharmacists and such person in order to regain registration as pharmacist shall be required to pay the same fees as in case of original examination, in addition to the annual renewal fees for each calendar year such person may be in arrears. Provided, also, that in the interest of the advancement of the science and art of pharmacy, the board shall secure the services of an association or organization qualified to perform such service, but provided that at no time shall the cost of this service exceed two (\$2) dollars per annum for each pharmacist actively engaged in the practice of pharmacy in this State. Provided further, that such association or organization shall have at least two-thirds of the licensed pharmacists of this State as its members.

Provided further, that a holder of a certificate not actively engaged in the practice of pharmacy in this State shall be issued a renewal registration upon the annual payment of a fee of one dollar (\$1).

Committee Amendment No. 3.

Amend House bill No. 107 by striking out all of Section 18, including Schedules (a) and (b), and renumbering the remaining sections.

The amendments were severally adopted.

Mr. Shearer offered the following (committee) amendment to the bill:

Amend House bill No. 107 by striking out Section 18, and insert in lieu thereof the following:

Section 18. It shall be unlawful for any one engaged in retail business in a city having a population of one thousand or more, as shown by the last United States census, to use the words or terms,—drugs, pharmacy or medicine, or other words indicating that such person is engaged in the sale of drugs or medicines or medicinal preparations, upon signs advertising such business, or in the advertisement thereof in any other manner, unless such person be licensed by the board as a pharmacist, or having in his employ a person licensed as a

pharmacist under this act; and any person violating the provisions of the section of this act shall be fined in any sum not less than twenty-five (\$25) dollars, nor more than one hundred (\$100) dollars. Each day shall constitute a separate offense.

Mr. Shearer offered the following substitute for the (committee) amendment:

Amend House bill No. 107 by striking out all of Section 18 and inserting in lieu thereof the following:

Section 18. That in the interest of public welfare and safety, it shall be unlawful for any one engaged in retail business in a town having a population of five hundred or more, as shown by the last United States census, to use the words or terms drugs, pharmacy or medicine in the conduct of their business unless they be licensed by the Board of Pharmacists, or have in their employ a person licensed as a pharmacist under this act; provided, however, nothing in this section shall be construed to prevent any person from advertising patent or proprietary medicines, or domestic remedies in original packages bearing the name and address of the manufacturer or distributor thereof. Any person violating this section shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, and each day shall constitute a separate offense.

The substitute amendment was adopted.

The amendment as substituted was then adopted.

Mr. Shearer offered the following (committee) amendment to the bill:

Committee Amendment No. 5.

Amend House bill No. 107 by adding the following:

Section 20. If any part or section of this act is declared to be unconstitutional the same shall not affect any other part or section hereof, but all such other parts and sections shall remain in force.

The amendment was adopted.

Mr. Shearer offered the following amendment to the bill:

Amend House bill No. 107 by making (committee) amendment No. 5 read Section 19.

The amendment was adopted.

Mr. Sanders offered the following amendment to the bill:

Amend House bill No. 107, Section 7, page 5, line 20, by striking out after "character," the following words: "and a graduate of a school or college of pharmacy recognized by the board."

The amendment was lost.

Mr. Morse moved the previous question on the engrossment of the bill and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 107 was then passed to engrossment by the following vote:

Yeas—71.

Mr. Speaker.	McCombs.
Anderson.	McGill.
Avis.	McKean.
Barron.	Minor.
Bateman.	Montgomery.
Boggs.	Morse.
Branch.	Moursund.
Brown.	Nicholson.
Conway.	Parish of Runnels.
Cornwell.	Parrish of Travis.
Cummings.	Pearce.
Daniel.	Petsch.
DeBerry.	Purl.
Denman.	Ramsey.
Dunlap.	Renfro of Mills.
Durham.	Rogers of Hays.
Duvall.	Rogers of Shelby.
Farrar.	Shaver.
Fly.	Shearer.
Forbes.	Smith of Atascosa.
Foster.	Smith of Nueces.
Gates.	Smyth.
Gibson.	Storey.
Graves.	Stout.
Harding.	Sutton.
High.	Taylor.
Holland.	Veatch.
Hornaday.	Waddell.
Jacks.	Wallace
Justice.	of Freestone.
Kayton.	Ware.
Kemble.	Wells.
Kincaid.	Williams
King of Hopkins.	of Sabine.
King of	Williams
Throckmorton.	of Travis.
Kinnear.	Williamson.
Masterson.	Young.

Nays—36.

Alexander.	Land.
Barnett.	Long.
Bass.	Murphy.
Bird.	Nabors.
Bonham.	Pavlica.
Boon.	Poage.
Enderby.	Porter.
Eickenroht.	Powell.
Faulk.	Rowell.
Gilbert.	Sanders.
Gray.	Shirley.
Holder.	Simmons.
Johnson.	Sinks.
Kennedy.	Stevenson.
Kirkland.	Turner.

Van Zandt. Wassell.
Walker. Whitaker.
Wallace of Panola. Woodall.

Present—Not Voting.

Acker. Webb.

Absent.

Beck.	Pope.
Black.	Rawlins.
Cox.	Renfro
Davis.	of Angelina.
Dielmann.	Runge.
Harman.	Satterwhite.
Hefley.	Sheats.
Jones.	Smith of El Paso.
Lipscomb.	Smith of Smith.
Loftin.	Snelgrove.
Loy.	Swain.
Olsen.	Teer.
Pool.	Wallace of Smith.

Absent—Excused.

Albritton.	Kirby.
Finlay.	Merritt.
Fuchs.	Reagan.
Hagaman.	Stell.
Hall.	Tillotson.
Kenyon.	Woodruff.

HOUSE BILL NO. 254 ON SECOND READING.

On motion of Mr. Jacks, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 254, A bill to be entitled "An Act declaring the use, manufacture, sale, distribution and delivery of ice a public business, impressed with a public trust, and subject to public regulations; conferring jurisdiction and authority upon the Railroad Commission of Texas thereover; making it the duty of said commission to adopt rates, charges, rules, and regulations governing the manufacture, sale, delivery and distribution of ice, and to correct abuses and prevent unjust discrimination in rates, charges and practices relative thereto."

The Speaker laid the bill before the House and it was read second time.

Mr. Jacks offered the following (committee) amendment to the bill:

Amend House bill No. 254 by striking out all below the enacting clause and inserting that portion of the (committee) amendment below the enacting clause as set forth in the printed bill.

(Mr. Young in the chair.)

Mr. Jacks offered the following amendment to the amendment:

Amend House bill No. 254 by adding

thereto on page 14, between lines 17 and 18, a section to be known as Section 22a, and read as follows, to-wit:

Section 22a. Should any incorporated town or city by vote of its governing board elect to exercise original control over the manufacture, sale and distribution of ice within its corporate limits, the mayor of such city or town shall notify the commission to that effect in writing under seal of said city or town. Upon receipt of said notice the commission shall set a date not later than sixty days after the date of said notice upon which the control of such city or town over the ice utility shall become effective. On and after such effective date and under such general or special rules as may be promulgated by the commission not in conflict with this act, such city or town shall assume the following duties, powers, and prerogatives over the ice utility within its corporate limits.

1. Control of rates, charges, rules, and services in the manner and to the extent set out in this act for the control by the Railroad Commission over such rates, charges, and services.

2. Receiving, hearing, granting or refusing certificates of public convenience as set out in Section 17 of this act, excepting that the fee therefor shall be paid to the Secretary of the Railroad Commission as provided in said Section 17.

3. Receiving, hearing, granting, or refusing applications for acquirement or joint operation of properties as set out in Section 20 of this act.

All parties contemplated by this act as proper parties to hearings by the Railroad Commission shall be deemed proper parties to the hearings by the governing body of such city or town so electing to exercise control over the ice utility as contemplated in this section; in case that any such party shall be dissatisfied with the decision, restriction, ordinance or order of the governing body of such city in the exercise of such control over the ice utility, such party may appeal to the Railroad Commission by filing with the commission on such terms and conditions as the commission may direct, a petition and bond to review such decision and restriction, ordinance or order of the city, town or municipality. Upon such appeal being taken, the commission shall set a hearing in the manner provided for in this section for other hearings and may make such order or decision in regard to the matter provided in the determination, decision, ordinance, or order of the city, town

or municipality as the commission may deem just and reasonable. The decision of the commission shall be final subject to the action of a court of competent jurisdiction. Whenever such appeal is taken from the decision, restriction, ordinance, or order of such city, town or municipality to the commission, the commission shall hear such appeal de novo and shall treat such appeal as though it were an original complaint. When such city government has ordered existing prices or charges reduced and such order is appealed from to the Railroad Commission, the existing prices and charges shall remain in effect pending final decision of the commission, providing the ice utility affected and complaining files with the commission bond acceptable to the commission that such ice utility shall make restitution to its patronage should the commission uphold the order of the city, town or municipality, the accounts upon which such restitution to be made to be kept in accordance with rules laid down by the commission to that end. Until changed by order of a competent court or of the Railroad Commission on appeal, the decisions and orders of such city, town or municipality shall have the same effect as the decisions and orders of the Railroad Commission, provided for in this act. The inspection of books and accounts by agencies of the Railroad Commission and the requirements of reports to be made to the Railroad Commission as provided for in other sections of this act, shall remain unaffected by the terms of this section, except that copies of such reports will be filed with the mayor or clerk of such city, town or municipality. The payment and administration of fees, funds and penalties, provided for in other sections of this act shall not be changed or affected by the provision of this section.

The sections of this act prohibiting extortion and discrimination, and prohibiting manufacture, sale or distribution of ice without a certificate of public necessity and convenience, and providing penalties for violation of such prohibition shall not be affected by this section, except that it shall be the duty of the mayor, attorney or governing body of such city, town or municipality to report violations of such provisions to the Railroad Commission, and lend such assistance as may be practicable in prosecutions for such violations. Should any such town, city or municipality elect by vote of its governing body to relinquish the control over the

ice utility contemplated in this section, the mayor of such city shall notify the Railroad Commission to that effect in writing under the seal of such city, town or municipality. Upon the receipt of such notice the Railroad Commission shall set a date not later than sixty days after the receipt of such notice, on which date the control of such city, town or municipality assumed by virtue of this section of this act shall cease. Should any city, town or municipality having once assumed the control over the ice utility herein contemplated fail or refuse for a period of sixty days to act upon matters in relation thereto properly brought before it, the Railroad Commission shall, upon having found such to be the case, after hearing had, enter its order resuming control of the ice utility within such town, city or municipality as of date to be named in such order and thereafter such town, city or municipality shall not again assume control of such ice utility until it shall elect to do so by vote of its governing board and after application to the Railroad Commission; the commission shall set down such application for hearing not earlier than ten nor later than thirty days after the receipt of such application, and the commission may reject such application should it not find that such town, city or municipality intends and is capable of the efficient administration of the functions contemplated in this section. Should this section be held invalid, the control of the ice utility by the Railroad Commission as contemplated in the other sections of this act shall become immediately affective within the corporate limits of such cities, towns or municipalities as may have elected to control and may be in actual control of the ice utility within their corporate limits.

The amendment was adopted.

The amendment as amended was then adopted.

Mr. Jacks offered the following amendment to the bill:

Committee Amendment No. 2.

Amend House bill No. 254 by striking out all above the enacting clause and inserting that portion of the committee amendment above the enacting clause as set forth in the printed bill.

The amendment was adopted.

Mr. Jacks offered the following amendment to the bill:

Amend the caption to House bill No.

254 by inserting immediately following the word "witness," in line 2, page 4, the following:

"And providing that incorporated cities, towns or municipalities may elect to assume control and control the ice utility in their corporate limits, and providing for the method by which such control may be assumed and exercised, and for the extent of such control, and providing for appeal to the Railroad Commission from the decision, orders, restrictions made by such cities, towns or municipalities in the exercise of their control over the ice utilities within their corporate limits; and providing method by which such cities, towns or municipalities may relinquish such control;"

The amendment was adopted.

Mr. Nicholson offered the following amendment to the bill:

Amend House bill No. 254 by inserting on page 14, following conclusion of Section 22a, an additional section to be known as Section 22b, to read as follows:

Section 22b. Exemptions: The provisions of this act shall not apply to persons, partnerships, associations, companies or corporations who manufacture ice for exclusive use of their operations and for consumption by employees.

The amendment was adopted.

Mr. Barron offered the following amendment to the bill:

Amend House bill No. 254 by adding another section to be known as Section 22c, as follows:

Section 22c. The provisions of this act shall not apply to cities and towns containing less than 25,000 population.

Signed—Barron, Satterwhite, Bonham.

Mr. Lipscomb offered the following amendment to the bill:

Amend House bill No. 254 by substitute amendment for amendment by striking out enacting clause.

(Speaker in the chair.)

Mr. Jacks moved to table the amendment by Mr. Lipscomb.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—48.

Anderson.	Davis.
Bass.	Dunlap.
Bateman.	Duvall.
Beck.	Forbes.
Boggs.	Foster.
Cox.	Graves.
Cummings.	Harding.

Holder.
Holland.
Hornaday.
Jacks.
Kayton.
Kemble.
Kirkland.
Land.
Loftin.
Loy.
Masterson.
McCombs.
Minor.
Morse.
Pope.
Porter.
Purl.

Renfro
of Angelina.
Renfro of Mills.
Rowell.
Sanders.
Sheats.
Shirley.
Smith of Smith.
Smyth.
Stevenson.
Storey.
Taylor.
Teer.
Veatch.
Ware.
Wassell.
Williamson.
Woodall.

Nays—72.

Alexander.
Avis.
Barnett.
Barron.
Bird.
Black.
Bonham.
Boon.
Brown.
Conway.
Cornwell.
Daniel.
DeBerry.
Denman.
Durham.
Enderby.
Farrar.
Faulk.
Fly.
Gates.
Gilbert.
Gray.
Hall.
Harman.
Johnson.
Justice.
Kennedy.
Kincaid.
King of Hopkins.
King of
Throckmorton.
Kinnear.
Lipscomb.
Long.
McGill.
McKean.
Merritt.
Montgomery.

Moursund.
Murphy.
Nabors.
Nicholson.
Olsen.
Parish of Runnels.
Pavlica.
Pearce.
Poage.
Pool.
Powell.
Ramsey.
Rawlins.
Reagan.
Rogers of Hays.
Rogers of Shelby.
Satterwhite.
Shaver.
Shearer.
Simmons.
Sinks.
Smith of Nueces.
Stout.
Swain.
Turner.
Van Zandt.
Waddell.
Walker.
Wallace
of Freestone.
Wallace of Panola.
Wallace of Smith.
Whitaker.
Williams
of Sabine.
Williams
of Travis.
Young.

Present—Not Voting.

Webb.

Absent.

Acker.
Branch.
Dielmann.

Eickenroht.
Gibson.
Hefley.

High. Smith of El Paso.
Parrish of Travis. Snelgrove.
Smith of Atascosa. Wells.

Absent—Excused.

Albritton. Kirby.
Finlay. Stell.
Fuchs. Tillotson.
Hagaman. Woodruff.
Kenyon.

Paired.

Mr. Sutton (present), who would vote "yea," with Mr. Jones (absent), who would vote "nay."

Mr. Petsch (present), who would vote "yea," with Mr. Runge (absent), who would vote "nay."

Question then recurring on the amendment by Mr. Lipscomb, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—68.

Alexander.	Moursund.
Anderson.	Murphy.
Avis.	Nabors.
Barnett.	Nicholson.
Barron.	Olsen.
Bird.	Parish of Runnels.
Black.	Pavlica.
Bonham.	Pearce.
Boon.	Poage.
Brown.	Pool.
Conway.	Powell.
Cornwell.	Ramsey.
DeBerry.	Reagan.
Denman.	Rogers of Hays.
Durham.	Rogers of Shelby.
Duvall.	Satterwhite.
Enderby.	Shaver.
Farrar.	Shearer.
Faulk.	Simmons.
Gates.	Sinks.
Gray.	Smith of Nueces.
Hall.	Stout.
Harman.	Swain.
Johnson.	Turner.
Justice.	Van Zandt.
Kennedy.	Waddell.
Kincaid.	Walker.
King of Hopkins.	Wallace
King of	of Freestone.
Throckmorton.	Wallace of Panola.
Kinnear.	Wallace of Smith.
Lipscomb.	Whitaker.
McGill.	Williams
McKean.	of Sabine.
Merritt.	Williams
Montgomery.	of Travis.

Nays—49.

Bass.	Masterson.
Bateman.	McCombs.
Beck.	Minor.
Cox.	Morse.
Cummings.	Pope.
Daniel.	Porter.
Davis.	Purl.
Dunlap.	Renfro of Mills.
Fly.	Rowell.
Forbes.	Sanders.
Foster.	Sheats.
Gilbert.	Shirley.
Graves.	Smith of Smith.
Harding.	Smyth.
Holder.	Stevenson.
Holland.	Storey.
Hornaday.	Taylor.
Jacks.	Teer.
Kayton.	Veatch.
Kemble.	Ware.
Kirkland.	Wassell.
Land.	Wells.
Loftin.	Woodall.
Long.	Young.
Loy.	

Present—Not Voting.

Webb.

Absent.

Acker.	Parrish of Travis.
Boggs.	Rawlins.
Branch.	Renfro
Dielmann.	of Angelina.
Eickenroht.	Smith of Atascosa.
Gibson.	Smith of El Paso.
Hefley.	Snelgrove.
High.	Williamson.

Absent—Excused.

Albritton.	Kirby.
Finlay.	Stell.
Fuchs.	Tillotson.
Hagaman.	Woodruff.
Kenyon.	

Paired.

Mr. Petsch (present), who would vote "nay," with Mr. Runge (absent), who would vote "yea."

Mr. Sutton (present), who would vote "nay," with Mr. Jones (absent), who would vote "yea."

Mr. Jacks moved to reconsider the vote by which the amendment, striking out the enacting clause of the bill, was adopted and asked to have the motion to reconsider spread on the Journal.

Mr. Stout called up the motion to reconsider and moved to table the motion.

Yeas and nays were demanded, and

the motion to table prevailed by the following vote:

Yeas—72.

Alexander.	Moursund.
Anderson.	Murphy.
Avis.	Nabors.
Barnett.	Nicholson.
Barron.	Olsen.
Bass.	Parish of Runnels.
Black.	Pavlica.
Boggs.	Pearce.
Bonham.	Poage.
Boon.	Pool.
Brown.	Powell.
Conway.	Ramsey.
Cornwell.	Reagan.
DeBerry.	Rogers of Hays.
Denman.	Rogers of Shelby.
Durham.	Satterwhite.
Duvall.	Shaver.
Enderby.	Shearer.
Farrar.	Shirley.
Faulk.	Simmons.
Gates.	Sinks.
Gray.	Smith of Nueces.
Hall.	Smyth.
High.	Stout.
Johnson.	Swain.
Justice.	Turner.
Kennedy.	Waddell.
Kincaid.	Walker.
King of Hopkins.	Wallace
King of	of Freestone.
Throckmorton.	Wallace of Panola.
Kinnear.	Wallace of Smith.
Lipscomb.	Whitaker.
Loy.	Williams
McGill.	of Sabine.
McKean.	Williams
Merritt.	of Travis.
Montgomery.	

Nays—45.

Bateman.	McCombs.
Beck.	Minor.
Cox.	Morse.
Cummings.	Pope.
Daniel.	Porter.
Davis.	Purl.
Fly.	Renfro of Mills.
Forbes.	Rowell.
Foster.	Sanders.
Gilbert.	Sheats.
Graves.	Smith of Smith.
Harding.	Stevenson.
Holder.	Storey.
Holland.	Taylor.
Hornaday.	Van Zandt.
Jacks.	Veatch.
Kayton.	Ware.
Kemble.	Wassell.
Kirkland.	Wells.
Land.	Williamson.
Loftin.	Woodall.
Long.	Young.
Masterson.	

Present—Not Voting.

Teer.

Webb.

Absent.

Acker.	Hefley.
Bird.	Parrish of Travis.
Branch.	Rawlins.
Dielmann.	Renfro
Dunlap.	of Angelina.
Eickenroht.	Smith of Atascosa.
Gibson.	Smith of El Paso.
Harman.	Snelgrove.

Absent—Excused.

Albritton.	Kirby.
Finlay.	Stell.
Fuchs.	Tillotson.
Hagaman.	Woodruff.
Kenyon.	

Paired.

Mr. Petsch (present), who would vote "nay," with Mr. Runge (absent), who would vote "yea."

Mr. Sutton (present), who would vote "nay," with Mr. Jones (absent), who would vote "yea."

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 15, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has, in accordance with Senate concurrent resolution No. 5, appointed the following to serve on the part of the Senate: Senators Witt, Wirtz and Wood.

The Senate has passed the following bills:

S. B. No. 354, Creating Road District No. 26 in Brazoria county.

S. B. No. 355, Creating Road District No. 25 in Brazoria county.

S. B. No. 356, Creating Road District No. 9 in Fort Bend county.

S. B. No. 117, A bill to be entitled "An Act to amend Section 6, Article 8306, Part 1, of Title 130, Revised Statutes of 1925, by changing the waiting period and date on which compensation shall begin to accrue, and declaring an emergency."

S. B. No. 247, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches, or any part thereof,

within the time required by law, and declaring an emergency."

S. B. No. 279, A bill to be entitled "An Act to create Road District No. 3, in San Patricio county, etc."

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 15, 1927.
Hon. Robert Lee Bobbitt, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 248, A bill to be entitled "An Act providing that all conservation and reclamation districts organized under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas and, or, Chapter 2, of Title 128, Revised Civil Statutes of Texas, under the name of Water Improvement Districts and in the organization of which petitions were signed by more than fifty persons owning land within the boundaries of such districts and said petitions were filed in the month of September, 1926, and on which petitions hearings were held by the county commissioners court in the month of October, 1926, and in which such court entered its order of judgment finding in favor of the petitioners for the establishment of such districts and elections were held for the purpose of voting upon the organization of such districts and the issuance of notes by such districts such elections being held in November, 1926, and at which elections the organization of the districts and the issuance of notes received more than a two-thirds majority of the votes cast and at which elections directors were elected for such districts, the organization of such districts and the authorization for the issuance of notes by such districts are hereby ratified, validated, approved and confirmed. All such districts are hereby expressly declared to be validly created and organized. The directors of such districts shall have the power, and are hereby expressly authorized to make and enter any and all orders and provisions necessary for the purpose of issuing and selling the notes voted and authorized by said elections and are expressly authorized to levy general ad valorem taxes on all property situated in such districts, at the time such notes are issued, in amount sufficient to pay the interest on such notes and the prin-

cipal thereof as same mature, and the cost of assessing and collecting such taxes, and such notes when issued and delivered shall be the general, direct and binding obligations of such districts so issuing same. It shall not be necessary to validate such notes by a suit in court or any other proceeding. And further providing all such districts shall be conservation and reclamation districts under the provisions of Chapters 2- and 8, of Title 128, Revised Civil Statutes of Texas, and under Section 59, of Article 16, of the Constitution and may incur indebtedness to carry out the purposes of its organization such indebtedness being authorized by a majority of the votes cast at an election held for that purpose and may levy taxes for the payment of its obligations and maintenance and operation, and shall be governed by the provisions of the law applying to water improvement districts except as otherwise herein provided. And further providing that all such districts, described in this act may appoint a tax assessor and collector in the manner provided by law, but provided that the directors of such districts may adopt the rendition and equalization of property for the taxation as made by the county tax assessor and as equalized by the county commissioners court sitting as a board of equalization as fixing and determining the taxable values of all property situated within such districts and as so assessed, equalized and fixed, and further providing the method of so adopting same and of certifying all tax levies to the office of the county tax assessor and the county tax collector and the method of entering such taxes on the tax rolls and making tax rolls and of collecting such taxes by the county tax collector, and that said county tax assessor and county tax collector shall be paid a reasonable compensation not to exceed the rates provided by law for similar duties but that same shall be in addition to all other fees and compensation now provided by law for such officers, and providing that said tax collector shall keep a complete record of all taxes collected and uncollected and of all receipts for taxes issued by him, that he shall pay to the district depository all sums collected by him for the district, and providing for reports of such officers, the accounting for such funds, keeping of finance ledger and providing for the assessment, equalization, and collection of taxes and accounting for same, and that when so assessed and collected the provisions of the law for the collection of State and county taxes shall apply thereto, except

as herein otherwise provided, and that in such event the provisions of the law providing for the assessment and collection of taxes by district through its own offices shall not apply thereto; providing generally for the validation of districts described herein, the issuance of notes, the levy, assessment and collection of taxes and the conduct and government of such districts, and declaring an emergency."

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

Senate bill No. 248, to the Committee on Conservation and Reclamation.

Senate bills Nos. 279, 355, 354 and 356, to the Committee on Highways and Motor Traffic.

Senate bill No. 247, to the Committee on State Affairs.

Senate bill No. 117, to the Committee on Labor.

ADJOURNMENT.

On motion of Mr. Purl, the House, at 6 o'clock p. m., adjourned until 10 o'clock a. m. Wednesday, February 16.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees have today filed favorable reports on bills as follows:

Conservation and Reclamation: House bill No. 427; Senate bill No. 3.

State Affairs: Senate bill No. 160; House bills Nos. 93, 528.

Education: House bills Nos. 226, 527, 549, 223.

Public Lands and Buildings: Senate bill No. 195.

Counties: House bill No. 275.

The following standing committees have today filed adverse reports on bills as follows:

Education: House bills Nos. 486, 100; Senate bill No. 110.

State Affairs: House bill No. 402.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, February 15, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 161, A bill to be entitled "An Act amending Article 879, of Chapter 6, of Title 13, of the Revised Criminal Statutes of Texas of 1925, which article provides for the regulation of the seasons in which wild game may be hunted and killed, and the seasons in which it is lawful to hunt and kill such wild game, including doves, quail, pheasant, turkey, rail, plover, ducks, prairie chickens, deer, bear and fox; and which amendment provides for seasons in which it shall be lawful to hunt and kill the wild game named, and in which the season for hunting and killing such wild game shall be closed; and providing for the addition at the end of said article to the proviso that there shall be no closed season for the hunting and killing of squirrels and that it shall be lawful to hunt and kill the wild red or fox squirrels and the wild gray squirrels in the counties of Gonzales, Austin and Real,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,
Austin, Texas, February 15, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 203, A bill to be entitled "An Act to amend Article 6214, Title 109, Revised Civil Statutes, 1925, so as to provide that Confederate veterans receiving pensions from the United States government on account of services rendered subsequent to the Civil War shall not be deprived of pensions under the general laws of this State, and all Confederate veterans who are inmates of the Confederate Home may receive pensions equal in amount to one-half of the pensions payable to non-inmate veterans, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

REPORT OF THE COMMITTEE ON
ENROLLED BILLS.

Committee Room,
Austin, Texas, February 15, 1927.

Hon. Robert Lee Bobbitt, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 22, Regarding the dis-
charge of officers in the World War,
Have carefully compared same and
find it correctly enrolled.

MORSE, Chairman.

TWENTY-FOURTH DAY.

(Wednesday, February 16, 1927.)

The House met at 10 o'clock a. m.,
pursuant to adjournment, and was
called to order by Speaker Bobbitt.

The roll was called, and the following
members were present:

Acker.	Harding.
Albritton.	Harman.
Anderson.	Hefley.
Avis.	High.
Barnett.	Holder.
Barron.	Holland.
Bass.	Hornaday.
Bateman.	Jacks.
Beck.	Johnson.
Bird.	Jones.
Black.	Justice.
Boggs.	Kayton.
Bonham.	Kemble.
Boon.	Kennedy.
Branch.	Kincaid.
Brown.	King of Hopkins.
Conway.	King of
Cornwell.	Throckmorton.
Cox.	Kinnear.
Cummings.	Kirkland.
Daniel.	Land.
Davis.	Lipscomb.
DeBerry.	Loftin.
Denman.	Long.
Dunlap.	Loy.
Durham.	Masterson.
Duvall.	McCombs.
Enderby.	McGill.
Eickenroht.	Merritt.
Farrar.	Minor.
Faulk.	Montgomery.
Finlay.	Morse.
Fly.	Moursund.
Forbes.	Murphy.
Foster.	Nabors.
Gates.	Nicholson.
Gibson.	Olsen.
Gilbert.	Parish of Runnels.
Graves.	Parrish of Travis.
Gray.	Pavlica.
Hall.	Pearce.

Poage.	Storey.
Pool.	Stout.
Pope.	Sutton.
Porter.	Swain.
Powell.	Taylor.
Purl.	Teer.
Ramsey.	Turner.
Rawlins.	Van Zandt.
Reagan.	Veatch.
Renfro	Waddell.
of Angelina.	Walker.
Renfro of Mills.	Wallace
Rogers of Hays.	of Freestone.
Rogers of Shelby.	Wallace of Panola.
Rowell.	Wallace of Smith.
Sanders.	Ware.
Satterwhite.	Wassell.
Shaver.	Webb.
Shearer.	Wells.
Sheats.	Whitaker.
Shirley.	Williams
Simmons.	of Sabine.
Sinks.	Williams
Smith of El Paso.	of Travis.
Smith of Nueces.	Williamson.
Smith of Smith.	Woodall.
Smyth.	Woodruff.
Snelgrove.	Young.
Stevenson.	

Absent.

Runge.

Absent—Excused.

Alexander.	McKean.
Dielmann.	Petsch.
Fuchs.	Smith of Atascosa.
Hagaman.	Stell.
Kenyon.	Tillotson.
Kirby.	

A quorum was announced present.

Prayer was offered by Rev. J. C.
Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted
leaves of absence on account of impor-
tant business:

Mr. Runge for today, on motion of
Mr. Stout.

Mr. Kenyon for today and the balance
of the week, on motion of Mr. Shearer.

Mr. Dielmann for today, on motion of
Mr. Kayton.

Mr. Hagaman for today, on motion of
Mr. High.

Mr. Petsch for today and tomorrow,
on motion of Mr. Shaver.

The following members were granted
leaves of absence on account of illness:

Mr. Alexander for today, on motion
of Mr. Powell.

Mr. McKean for today, on motion of
Mr. Rogers of Hays.